

Message Text

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47

ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

DOT-00 EB-07 INR-07 NSAE-00 FAA-00 L-02 OES-05 AF-06

ARA-10 EA-10 NEA-09 OMB-01 TRSE-00 AID-05 XMB-04 /094 W

----- 012626

R 231528Z APR 75

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC 6210

UNCLAS MONTREAL 0701

DEPT PASS DRISCOLL/DOT; STEWART/FAA; HEYE/CAB FROM USREP ICAO

E. O. 11652: N/A

TAGS: PORG, EAIR, ICAO

SUBJ: ICAO - LEGAL SUBCOMMITTEE, SUMMARY REPORT OF WORK

1. THURSDAY PM SUBCOMMITTEE COMPLETED SUBSTANTIVE WORK. REPORT/
SUB-COMMITTEE WILL BE REVIEWED MON/APR 28 AND TUES/APR 29.

2. DISCUSSIONS ON NEW INSTRUMENT ON NOISE AND SONIC BOOM ALTER-
NATIVE TEXTS: A) CHAIRMAN'S TEXT (WD/23) CALLING FOR LIABILITY
FOR DAMAGE CAUSED BY NOISE ONLY IF REGULATIONS ARE NOT FOLLOWED.
LIABILITY FOR SONIC BOOM WOULD ATTACH UPON PROOF ONLY THAT DAMAGE
WAS CAUSED BY BOOM, B) UK TEXT (WD/26) CALLING FOR CARRIER
LIABILITY FOR PHYSICAL DAMAGE CAUSED BY NOISE OR SONIC BOOM
WITHOUT PROOF OF FAULT. CARRIER LIABLE ALSO FOR DAMAGE NOT OF
PHYSICAL NATURE IF AIRCRAFT FLIGHT IS NOT IN CONFORMITY WITH
REGULATIONS, C) USSR TEXT (WD/27) CALLS FOR NO RIGHT TO COMPEN-
SATION FROM CARRIER IF FLIGHT IS IN CONFORMITY WITH APPLICABLE
STANDARDS OF OPERATION. NOISE AND SONIC BOOM ARE TREATED IN
SAME MANNER. ONLY KIND OF DAMAGE PERMITTING RECOVERY WOULD BE
"DIRECT PHYSICAL" DAMAGE.

3. DISCUSSIONS ON ABOVE TEXTS WERE INCONCLUSIVE WITH NO TEXT
APPEARING TO GENERATE SUBSTANTIAL SUPPORT. DELEGATES RESISTED
ANY EFFORT TO HAVE AN INDICATIVE VOTE OR EVEN EXPRESSION OF
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PREFERENCE RECORDED.

4. CONCLUSIONS. CHAIRMAN IN SUMMING UP ROME WORK INDICATED CERTAIN AREAS E.G. LIMITS, REGIME OF LIABILITY WHERE WORK IS UNFINISHED BUT THAT TEXT SHOULD BE FORWARDED TO LEGAL COMMITTEE FOR THEIR WORK AND SUBCOMMITTEE COULD DO NO FURTHER USEFUL WORK. CHAIRMAN IN SUMMING UP WORK ON NOISE AND SONIC BOOM INDICATED THAT DELEGATIONS WERE PRESENTLY IN POOR STATE TO DRAW CONCLUSIONS AND THAT LEGAL COMMITTEE SHOULD REVIEW REPORT OF SUBCOMMITTEE WITH A VIEW TO PROVIDING FURTHER GUIDANCE. GUTIEZ, ARGENTINA, CHAIRMAN/LEGAL COMMITTEE EXPRESSED DOUBT THAT LEGAL COM WOULD BE GIVEN SUFFICIENT NEW INFORMATION ON BASIS OF THIS SUBCOMMITTEE'S REPORT. US HAD SUGGESTED MORE TECHNICAL AND LEGAL INFO BE REQUESTED OF STATES IN PREPARATION FOR NEXT MTG. THERE WAS SOME INFORMAL DISCUSSION THAT INSTEAD OF LEGAL COM, SUBCOM SHOULD RE-CONVENE ON ISSUE OF NOISE AND SONIC BOOM.

5. INFORMAL MTG ON GOLD CLAUSE CALLED BY US HELD FRIDAY PM. FOLLOWING REPRESENTED: ARGENTINA, BELGIUM, CANADA, FRANCE, GERMANY, ITALY, JAPAN, NETHERLANDS, NIGERIA, NORWAY, INDIA, UK, US, SWEDEN, BRAZIL, IATA, PLUS GOMEZ-KARA (SECRETARIAT ICAO). USDEL BEGAN WITH EXPLANATION OF PROBLEMS INHERENT IN USE OF ANY GOLD CLAUSE TODAY AND REVIEWED STATUS OF GUATEMALA PROTOCOL RATIFICATION BY US. US, DRAWING ON RECENT IATA AND ATA LETTERS TO STATE DEPT, INDICATED GUATEMALA PROGRESS STYMIED UNTIL GOLD ISSUE IS RESOLVED. DELEGATIONS PRESENT DID NOT VOICE OBJECTION TO CHARACTERIZATION OF THE PROBLEM AS SERIOUS AND NEEDING EARLY RESOLUTION. THERE WAS CONSIDERABLE DISCUSSION OF USING COUNCIL WORKING GROUP ON CONFLICTS MTG. NEXT WEEK TO RECOMMEND TO COUNCIL ACTION EXPANDING TERMS OF SEPTEMBER DIPCON TO INCLUDE AMENDMENT OF GUATEMALA PROTOCOL. DURING GENERAL DISCUSSION OF POSSIBLE ALTERNATIVES TO GOLD CLAUSE, USE OF IMF SPECIAL DRAWING RIGHTS RECEIVED SUPPORT FROM SEVERAL DELEGATIONS (CANADA, UK, JAPAN, US). SOME OTHER DELS SEEN AS BEING FAVORABLY DISPOSED TO USE OF SDR. (SCANS HAVE INDICATED INFORMALLY THEY WOULD AGREE TO SDR). USDEL EXPECTS TO FOLLOW UP THIS MTG WITH MORE DETAILED INFORMAL DISCUSSIONS WITH OTHER DELS ON MONDAY-TUESDAY.

6. BASED ON BROAD ATTENDANCE AT MTG, POSITIVE NATURE OF DISCUSSION, AND ACTIVE AND CONSTRUCTIVE ROLE OF HEAD/LEGAL BUREAU
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GOMEZ-JARA, WE BELIEVE THERE IS A SOLID CHANCE THAT CO-SPONSORED PROPOSAL COULD BE DEVELOPED FOR ADOPTION AT SEPT CONF. CRITICAL FOR SUCCESS WILL HOWEVER, BE WILLINGNESS OF FRENCH TO GO ALONG (THEIR POSTURE IS UNCLEAR AT THIS TIME), AND SUPPORT FROM LDC'S, NOTABLY INDIA, SOME AFRICANS, AND SOME LATIN AMERICANS, IN PARTICULAR GUTIEZ OF ARGENTINA, HEAD OF LEGAL COM. USSR WAS INVITED BUT DID NOT ATTEND MTG, STATING THEY HAD NO FINANCE EXPERTS AND, IN ANY EVENT "COULD NOT BE HELPFUL TO US" ON THE ISSUE.

MOST WE CAN HOPE FOR FROM SOVIET BLOC APPARENTLY IS A RELATIVELY
INACTIVE OPPOSITION; MORE LIKELY THEY WILL BE MORE NEGATIVE
THAN THIS.
HARPER

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Message Attributes

Automatic Decaptioning: X
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Draft Date: 23 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
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